

FILED IN OPEN COURT
DATE 4/20/10
BY Hibung
DEPUTY CLERK
DIVISION, W.D. of VA

IN THE
UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

UNITED STATES OF AMERICA : Criminal No. 5:10CR00010-1
 :
v. :
 : Title 18, U.S.C., Section 924(a)(1)(A)
 : Title 18, U.S.C., Section 2
PHILIP JOHN SANELLI, III :
 :

INFORMATION

Count One

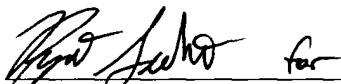
The United States charges that:

1. Gander Mountain #342, located at 251 Commonwealth Court, Winchester, VA, possessed a federal firearms license ("FFL") and was authorized to deal in firearms under federal laws.
 - a. FFL holders are licensed, among other things, to sell firearms and ammunition. Various rules and regulations, promulgated under the authority of Chapter 44, Title 18, United States Code, govern the manner in which FFL holders are permitted to sell firearms and ammunition.
 - b. The rules and regulations governing FFL holders require that a person seeking to purchase a firearm fill out a Firearm Transaction Record, ATF Form 4473. Part of the Form 4473 requires that the prospective purchaser certify that all his or her answers on Form 4473 are true and correct.

- c. Question 11(a) of ATF Form 4473 requires that the prospective purchaser certify truthfully, subject to penalties of perjury, that he or she is the actual buyer of the firearm. The ATF Form 4473 contains language warning that “You are not the actual buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual buyer, the dealer cannot transfer the firearm(s) to you.” The Form 4473 also includes a certification by the buyer of the firearm(s) that “I understand answering ‘yes’ to question 11(a) if I am not the buyer of the firearm(s) is a crime punishable as a felony.”
 - d. FFL holders are required to maintain a record, in the form of a completed Form 4473, of the identity of the actual buyer of firearms sold by the FFL holder, including the buyer’s name, home address, and date of birth.
2. On or about February 21, 2009, in the Western District of Virginia, the defendant, PHILLIP JOHN SANELLI, III, and JANE DOE, a person whose identity is known, purchased a firearm (a Smith and Wesson M&P 9mm pistol) from Gander Mountain #342, an FFL holder.
- a. In connection with the acquisition of this firearm from Gander Mountain #342, PHILLIP SANELLI, as a principal and an aider and abettor, willfully caused JANE DOE to make a false statement and representation to Gander Mountain # 342, licensed under the provisions of Chapter 44 of Title 18, United States Code, with respect to information required by the

provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of Gander Mountain #342.

- b. Specifically, PHILLIP SANELLI caused JANE DOE to falsely certify on the ATF Form 4473 that she was the actual buyer of the firearm, when in fact, as JANE DOE and PHILLIP SANELLI knew, this statement was false and fictitious because PHILLIP SANELLI was the actual purchaser.
3. All in violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.


TIMOTHY J. HEAPHY
UNITED STATES ATTORNEY